

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT
OF ALABAMA, EASTERN ~~DIVISION~~ **DIVISION**

WENDELL DEAN VAN METER,
NEVA JANE VAN METER,

Plaintiffs,

v.

THE CITY OF LANETT,
ALABAMA; OSCAR CRAWLEY,
individually and as Mayor of the City
of Lanett; KYLE MCCOY,
individually and as Lanett City
Councilman; JOHN DUSKIN,
individually and as Lanett City
Councilman; MIKE YARBROUGH,
individually and as Lanett City
Councilman; JOEL G. HOLLEY,
individually and as Lanett City
Manager

Defendants.

2006 JUN 29 P 12:41

CLERK OF DISTRICT COURT
MIDDLE DISTRICT ALA

Case No.: 3:06cv583-

ANSWER

COMES NOW the Defendants, City of Lanett, Alabama, Oscar Crawley, Kyle McCoy, John Duskin, Mike Yarbrough, and Joel G. Holley, by and through their attorney of record, and responds to the Plaintiffs' Complaint as follows:

STATEMENT OF THE PARTIES

1. Based upon information and belief, admitted.
2. Admitted.
3. Admitted.
4. Admitted.

- 5. Based upon information and belief, admitted.
- 6. Based upon information and belief, admitted.
- 7. Admitted
- 8. Denied.
- 9. Denied

COUNT ONE
WRONGFUL TERMINATION

- 10. Denied.

COUNT TWO
DEPRIVATION OF CIVIL RIGHTS WHILE ACTING UNDER
THE COLOR OF LAW

- 11. Denied.

COUNT THREE
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

- 12. Denied.

COUNT FOUR
DEFAMATION

- 13. Denied.

COUNT FIVE
LOSS OF CONSORTIUM

- 14. Denied.

COUNT SIX
NEGLIGENCE

- 15. Denied.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

These Defendants deny each and every material allegation of the Plaintiffs' Complaint and demands strict proof thereof.

SECOND DEFENSE

These Defendants plead substantive immunity.

THIRD DEFENSE

These Defendants plead qualified immunity.

FOURTH DEFENSE

These Defendants plead that the Plaintiffs' Complaints fails to state a claim upon which relief may be granted.

FIFTH DEFENSE

These Defendants plead contributory negligence.

SIXTH DEFENSE

These Defendants plead that they are immune from punitive damages. See *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247 (1981).

SEVENTH DEFENSE

These Defendants plead absolute immunity.

EIGHTH DEFENSE

These Defendants plead qualified immunity.

NINTH DEFENSE

These Defendants plead discretionary function immunity.

TENTH DEFENSE

These Defendants plead not guilty.

ELEVENTH DEFENSE

These Defendants plead that any employment decision was not made with any type of discrimination or malice, but was made based upon legal and nondiscriminatory factors.

TWELFTH DEFENSE

These Defendants plead that they had justification for all actions taken against the Plaintiffs.

THIRTEENTH DEFENSE

These Defendants plead there is a lack of causation between Plaintiffs' alleged injuries and damages and any of the Defendants' actions.

FOURTEENTH DEFENSE

These Defendants plead statutory limit on damages applicable to this case and limits any recovery by Plaintiffs.

FIFTEENTH DEFENSE

These Defendants plead that the law does not provide punitive damages in this action.

SIXTEENTH DEFENSE

These Defendants plead that the Plaintiffs fail to show direct evidence of discrimination.

SEVENTEENTH DEFENSE

These Defendants plead that the Plaintiffs fail to show substantial evidence of discrimination.

EIGHTEENTH DEFENSE

These Defendants plead the Plaintiffs fail to show circumstantial evidence of discrimination.

NINETEENTH DEFENSE

These Defendants plead that they have legitimate nondiscriminatory reasons for any actions taken against Plaintiffs.

TWENTIETH DEFENSE

These Defendants plead that the Plaintiffs fail to establish a prima facie case.

TWENTY-FIRST DEFENSE

These Defendants plead there was no defamation.

TWENTY-SECOND DEFENSE

These Defendants plead truth.

TWENTY-THIRD DEFENSE

These Defendants plead that any actions taken were without any breach of duty or care to the Plaintiffs.

TWENTY-FOURTH DEFENSE

These Defendants plead employee misconduct.

TWENTY-FIFTH DEFENSE

These Defendants plead employee at will.

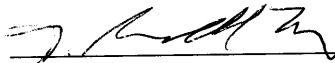
TWENTY-SIXTH DEFENSE

These Defendants plead the statute of frauds.

TWENTY- SEVENTH DEFENSE

These Defendants reserve the right to supplement this Answer as discovery continues.

Respectfully submitted,



T. RANDALL LYONS (LYO006)
Attorney for Above-named Defendant

OF COUNSEL:

Webster, Henry, Lyons & White, P.C.
Auburn Bank Center
132 N. Gay Street, Suite 211
Auburn, AL 36830
334-887-0111
334-887-0983

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following on this the 28 day of June, 2006 via United States Mail, postage prepaid:

James C. Ingram, Jr.
P.O. Box 258
Lanett, AL 36863

William G. Harris
P.O. Box 698
Foley, AL 36536



OF COUNSEL